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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/799,691 | 03/15/2004 | Steve Wood | 061270-0946 | 1736 |

58898 7590 05/04/2006

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| EXAMINER | |
|---|---|
| NGUYEN, KIEN T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3711 | |

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/799,691 | WOOD ET AL. | |
| | Examiner | Art Unit | |
| | Kien T. Nguyen | 3711 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8, 9, 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin U.S. Patent 5,553,337 in view of Steiner U.S. Patent 2,769,276.

Lin disclosed a swing comprising a support structure (22); components that are movable relative to the support structure including a seat (11), a seat hanger (3) supporting the seat; and a hub (31) supporting the seat hanger. It is noted that Lin failed to teach an object hanger as set forth in these claims. However, Steiner disclosed an object hanger that could be attached to the swing similar to Lin. The object hanger has a support member (11); a hanger (18) coupled to the support member; at least one decorative object (21) coupled to the hanger; the object hanger further comprises a mounting bracket (22) configured to engage the seat (25), the support member (21) is an arm having a proximal end coupled to the bracket and a distal end configured to engage the hanger (18); the support member includes a non-motorized structure (13) to impart rotating motion to the decorative object; the hanger includes a non-motorized structure (15) to impart rotating motion to the decorative object; the support member is positionable above the seat such that a child seated in the seat can interact with the decorative object; the hanger includes a plurality of radially extending arms (18) and each arm supports a respective decorative object. Therefore,

it would have been obvious to one of ordinary skill in the art to modify the seat of Lin with the object hanger as taught by Steiner for the purpose of providing entertainment for a child seating in the seat.

Claim 7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Sturman U.S. Patent 2,506,001 and Stubbmann U.S. Patent 3,978,610.

It is noted that Lin failed to teach the object hanger as recited in claims 7, 11, and 12; and a tray as one of the components as recited in claim 10. However, Stubbmann disclosed an object hanger having a support member (26) as a toy bar, with each end of the toy bar coupled to the seat (11); and Sturman disclosed the use of a tray (7) coupled to the seat (5). Therefore, it would have been obvious to one of ordinary skill in the art to modify the seat of Lin with the toy bar and tray as taught by Sturman and Stubbmann, respectively, for the purpose of providing additional entertainment for the child.

***Response to Arguments***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a swing with a seat for supporting and swing a child in a seated position) are not recited in the rejected claim(s). The portion (11) of Lin is clearly capable of supporting a child in a seated position, and more importantly it meets the definition of "a seat". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is without a doubt, a mobile is widely used in conjunction with a crib or a cradle to entertain and sooth a child. Applicant's assertion that "a child seated or standing in the Lin cradle would already be unstable, not supported, and unsafe if the cradle were moving" is merely an intended use and it's not even presented in the rejected claims. Accordingly, such argument is not persuasive.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kien T. Nguyen
Primary Examiner
Art Unit 3711

Ktn